

REMARKS

Claims 1-21 are pending in the application, with Claims 1, 10 and 16 being the independent Claims. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skelly (U.S. Patent No. 6,064,383) in view of Evans et al. (U.S. Pub. 2004/002325).

Claims 1, 10 and 16 have been amended, as set forth herein, to further distinguish the claims from the cited references. Claim 3 is cancelled.

Skelly discloses a method and system for selecting an emotional appearance and prosody for a graphical character; and, Evans et al. discloses a mobile handset with browser application to be used to recognize textual presentation.

Claims 1 and 10, as amended, recite that the emoticon is formed by utilizing a plurality of typical characters and special characters in combination, and that the formed emoticons are stored in the mobile terminal. Claim 16, as amended, more clearly recites that the emoticons are formed and stored, and later a formed and stored emoticon is selected.

Skelly discloses emoticons, which in and of themselves are known in the art. Skelly does not teach storing an emoticon after it is formed. Evans et al. only stores graphics but does not teach forming emoticons. Since an emoticon is not a graphic, there would be no suggestion, other than the applicant's disclosure, to combine the references.

As neither Skelly nor Evans et al., nor any combination thereof, teaches or discloses the creating and/or forming of emoticons, storing the created/formed emoticon, and selecting a created/formed and stored emoticon, the rejections must be withdrawn. Accordingly, it is believed that all claims, namely Claims 1, 2 and 4-21, are in condition for allowance.

Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the printed name.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/EJS/dr